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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Petition to Revoke Probation
Against:

12 ELTON LOUIS RICHARDSON
13 5640 Santa Monica Blvd., Apt. 247
Los Angeles, CA 90038
14 Registered Nurse License No. 512166

15 Respondent.

Case No. **2009-319**

**PETITION TO REVOKE
PROBATION**

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to
20 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
21 Registered Nursing, Department of Consumer Affairs.

22 2. On or about June 23, 1995, the Board of Registered Nursing (Board)
23 issued Registered Nurse License Number 512166 to Elton Louis Richardson (Respondent). The
24 Registered Nurse License was in effect at all times relevant to the charges brought herein and
25 will expire on December 31, 2010, unless renewed.

26 3. In an action entitled *In the Matter of the Petition for Reinstatement: Elton*
27 *Louis Richardson*, OAH No. N2005081067, the Board of Registered Nursing issued a Decision,
28 effective December 4, 2005, in which Respondent's Registered Nurse License was reinstated, but

1 the reinstated license was revoked. The revocation was stayed and Respondent was placed on
2 probation for a period of five (5) years with certain terms and conditions. A copy of the
3 Decision is attached as Exhibit A and is incorporated by reference.

4 4. In a disciplinary action entitled *In the Matter of the Accusation Against:*
5 *Elton Richardson*, Case No. 98-132, the Board issued a Default Decision and Order, effective
6 December 21, 1998, in which Respondent's license was revoked. Copies of the Default Decision
7 and Order and underlying Accusation are attached as Exhibit B and are incorporated by
8 reference.

9 JURISDICTION

10 5. This Petition to Revoke Probation is brought before the Board under the
11 authority of the following laws. All section references are to the Business and Professions Code
12 unless otherwise indicated.

13 6. Section 2750 provides, in pertinent part, that the Board may discipline any
14 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
15 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

16 7. Section 2764 provides, in pertinent part, that the expiration of a license
17 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
18 licensee or to render a decision imposing discipline on the license.

19 8. At all times after the effective date of Respondent's probation, Probation
20 Condition No. 12 stated, in pertinent part:

21 "If respondent violates the conditions of his probation, the Board after giving
22 respondent notice and an opportunity to be heard, may set aside the stay order and impose the
23 stayed discipline (revocation) of respondent's license."

24 FIRST CAUSE TO REVOKE PROBATION

25 (Failure to Obey All Laws)

26 9. At all times after the effective date of Respondent's probation, Probation
27 Condition No. 2 stated:

28 "Respondent shall obey all federal, state and local laws. A full and detailed

1 account of any and all violations of law shall be reported by respondent to the Board in writing
2 within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this
3 condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45
4 days of the effective date of the decision, unless previously submitted as part of the licensure
5 application process.”

6 10. Respondent’s probation is subject to revocation because he failed to
7 comply with Probation Condition No. 2, referenced above, in that he failed to obey all laws. On
8 or about December 4, 2007, after pleading nolo contendere, Respondent was convicted of one
9 misdemeanor count of violating Penal Code section 602, subdivision (k) [trespass by entering
10 lands], in the criminal proceeding entitled *The People of the State of California v. Elton*
11 *Richardson* (Super. Ct. Los Angeles County, 2007, No. 7CA12462). The imposition of sentence
12 was suspended. Respondent was placed on probation for two years, a condition of which
13 included 30 days of jail time. The circumstances surrounding the conviction are that on or about
14 September 8, 2007, Respondent was arrested after he approached an undercover police officer
15 and performed a lewd act in front of the officer. Respondent also failed to report the arrest and
16 the conviction to the Board in writing within 72 hours after occurrence, as required by Probation
17 Condition No. 2.

18 SECOND CAUSE TO REVOKE PROBATION

19 (Failure to Submit Written Reports)

20 11. At all times after the effective date of Respondent’s probation, Probation
21 Condition No. 6 stated:

22 “Respondent, during the period of probation, shall submit or cause to be
23 submitted such written reports/declarations and verification of actions under penalty of perjury,
24 as required by the Board. These reports/declarations shall contain statements relative to
25 respondent’s compliance with all the conditions of the Board’s Probation Program. Respondent
26 shall immediately execute all release of information forms as may be required by the Board or its
27 representatives.

28 “Respondent shall provide a copy of this decision to the nursing regulatory

1 agency in every state and territory in which he has a registered nurse license.”

2 12. Respondent’s probation is subject to revocation because he failed to
3 comply with Probation Condition No. 6, referenced above, in that he failed to submit truthful
4 written reports. Respondent falsified his quarterly report to the Board for the period of July 1,
5 2007 through September 30, 2007 by stating that he had obeyed all laws. Respondent was
6 arrested on September 8, 2007, and subsequently convicted of violating Penal Code section 602,
7 subdivision (k) [trespass by entering lands], on December 4, 2007. Respondent did not disclose
8 his arrest to the Board as required by his conditions of probation. Complainant refers to and
9 incorporates all the allegations in paragraph 10 as though set forth fully.

10 **THIRD CAUSE TO REVOKE PROBATION**

11 **(Failure to Comply with the Board’s Probation Program)**

12 13. At all times after the effective date of Respondent’s probation, Probation
13 Condition No. 3 stated:

14 “Respondent shall fully comply with the conditions of the Probation Program
15 established by the Board and cooperate with representatives of the Board in its monitoring and
16 investigation of respondent’s compliance with the Board’s Probation Program. Respondent shall
17 inform the Board in writing within no more than 15 days of any address change and shall at all
18 times maintain an active, current license status with the Board, including during any period of
19 suspension.

20 “Upon successful completion of probation, respondent’s license shall be fully
21 restored.”

22 14. Respondent’s probation is subject to revocation because he failed to
23 comply with Probation Condition No. 3, referenced above, in that he failed to comply with the
24 Board’s Probation Program by violating Probation Conditions Nos. 2 and 6. Complainant refers
25 to and incorporates all the allegations set forth in paragraphs 9 through 12, inclusive, as though
26 set forth fully.

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1 PRAYER

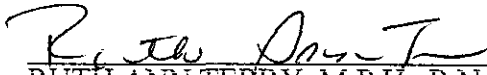
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board issue a decision:

4 1. Revoking the probation that was granted by the Board in OAH No.
5 N2005081067, and imposing the disciplinary order that was stayed, thereby revoking Registered
6 Nurse License No. 512166 issued to Respondent;

7 2. Revoking or suspending Registered Nurse License No. 512166, issued to
8 Respondent; and

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 6/9/09
11

12 
13 RUTH ANN TERRY, M.P.H., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant

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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement:

ELTON LOUIS RICHARDSON

Registered Nurse License No. 512166

Petitioner.

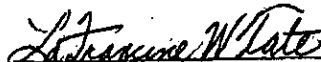
OAH No. N2005081067

DECISION

The attached Decision of the Board of Registered Nursing is hereby adopted by the Board as its Decision in the above-entitled matter.

This Decision shall become effective on December 4, 2005.

IT IS SO ORDERED this 4th day of November 2005.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement of:

ELTON LOUIS RICHARDSON,

Petitioner.

OAH No. N2005081067

DECISION

This matter was heard before the Board of Registered Nursing in Sacramento, California on September 8, 2005. Jonathan Lew, Administrative Law Judge, State of California, Office of Administrative Hearings, presided.

Jessica Amgwerd, Deputy Attorney General, appeared on behalf of the Department of Justice.

Elton Louis Richardson appeared on his own behalf.

The case was submitted for decision on September 8, 2005.

FACTUAL FINDINGS

1. Elton Louis Richardson (petitioner) was issued registered nurse license number 512166 on June 23, 1995. Pursuant to a Default Decision and Order, respondent's license was revoked, effective December 21, 1998, pursuant to Business and Professions Code sections 490; 2761, subdivision (a); and 2761, subdivision (f). Petitioner was found to have engaged in unprofessional conduct and to have been convicted of a crime substantially related to the qualifications, functions or duties of a registered nurse. Specifically, on January 3, 1997, respondent was convicted of violating Penal Code section 415 (disturbing the peace).

2. Petitioner filed a Petition for Reinstatement with the Board on May 4, 2005, indicating he wished to return to nursing practice.

3. Petitioner graduated from East Tennessee State University in 1980, and worked as a registered nurse since 1981. Most of his experience has been in critical care nursing, although he has also been employed in public health, nursing administration, education and research. About 12 years ago he acknowledged that he was addicted to alcohol and cocaine. He spent years in and out of 12-step programs, spiritual growth programs and impaired

professional programs. He explains that his criminal offense was due to his chemical dependency.

Petitioner entered and graduated from the Fresh Start Rehabilitation program through the Los Angeles Mission Urban Training institute. He spent 16 months in their Spiritual Growth Program and he notes that the individual and group counseling there were instrumental in his recovery. He successfully worked on chemical dependency and childhood issues. In June 2005, he received both his Alcohol and Drug, and Human Services Generalist Certificates from Los Angeles City College. He is a certified alcohol and drug counselor. Petitioner hopes this will enable him to be employed in a medical model chemical dependency unit where both his nursing and counseling education can be utilized. He currently works within his church facilitating an adult group with chemical dependency problems.

4. Petitioner has been subject to random drug testing and has been clean since July 2002. He stays connected with his church and is present there up to four days per week. He believes his support group, church affiliations and faith will keep him from relapsing.

5. Petitioner is employed with the Southern California Institute for Respiratory Diseases as a Clinical Research Coordinator. In this position he is responsible for coordinating pharmaceutical research for patients with asthma and chronic obstructive pulmonary diseases. This position does not require that he be licensed as a registered nurse. The evidence presented demonstrates that petitioner is substantially rehabilitated. He has been clean and sober for three years and is committed to his program of recovery. He has undergone counseling with his pastor around issues leading to his criminal offense. Petitioner has also improved himself by continuing his education at Los Angeles City College and becoming certified as an alcohol and drug counselor.

LEGAL CONCLUSIONS

Under Business and Professions Code section 2760.1, a registered nurse whose license has been revoked may petition the Board for reinstatement, after a period of not less than two years have elapsed from the effective date of the decision ordering disciplinary action. Cause exists to reinstate petitioner's license based upon the evidence of rehabilitation he presented.

ORDER

The Petition for Reinstatement of petitioner Elton Louis Richardson is granted and Registered Nursing License Number 512166 is reinstated but the reinstated license is revoked, the revocation is stayed for five (5) years and petitioner is placed on probation on the following terms and conditions:

(1) AS A CONDITION PRECEDENT TO THE PRACTICE OF NURSING
COMPLETION OF NURSING REFRESHER COURSE - Respondent, at his own expense,

shall enroll in and successfully complete a registered nursing refresher course. Respondent shall obtain prior approval from the Board before enrolling in the course. Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course. The Board shall return the original documents to respondent after photocopying them for its records.

(2) OBEY ALL LAWS - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

(3) COMPLY WITH THE BOARD'S PROBATION PROGRAM - Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's license shall be fully restored.

(4) REPORT IN PERSON - Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

(5) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when he resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where he has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing license during the term of probation.

(6) SUBMIT WRITTEN REPORTS - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's

Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license.

(7) FUNCTION AS A REGISTERED NURSE - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

(8) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS - Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to his employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

(9) SUPERVISION - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without respondent present.

(10) EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(11) COMPLETE A NURSING COURSE(S) - Respondent, at his own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his or her probationary term. Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

(12) VIOLATION OF PROBATION - If respondent violates the conditions of his probation, the Board after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(13) LICENSE SURRENDER - During respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(a) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(b) One year for a license surrendered for a mental or physical illness.

(14) PHYSICAL EXAMINATION - Within 45 days of the effective date of this decision, respondent, at her expense, shall have a licensed physician, nurse practitioner, or

physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of respondent's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required until the Board has notified respondent that a medical determination permits respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to have the above assessment submitted to the Board within the 45-day requirement, respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

(15) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE - Respondent, at his expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider respondent in violation of probation.

Based on Board recommendation, each week respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

(16) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS - Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

(17) SUBMIT TO TESTS AND SAMPLES - Respondent, at his expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when he/she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the respondent shall immediately cease

practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

(18) MENTAL HEALTH EXAMINATION - Respondent shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the respondent.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified respondent that a mental health determination permits respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to have the above assessment submitted to the Board within the 45-day requirement, respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

(19) THERAPY OR COUNSELING PROGRAM - Respondent, at his expense, shall participate in an on-going counseling program until such time as the Board releases him from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

DATED: 10/4/05



LAFRANCINE TATE

President, Board of Registered Nursing
State of California

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	NO. 98-132
Against:)	
ELTON RICHARDSON)	DEFAULT DECISION
aka ELTON LOUIS RICHARDSON)	<u>AND ORDER</u>
6621 Drexel Avenue)	
Los Angeles, California 90048)	
Registered Nurse License No. 512166)	
Respondent.)	

Elton Richardson, also known as Elton Louis Richardson ("Respondent"), was duly served with the Accusation, Statement to Respondent, and Notice of Defense form as provided in sections 11503 and 11505 of the Government Code of the State of California on April 9, 1998. Respondent failed to file a Notice of Defense within the time allowed by section 11506 of said code. Consequently, the Board of Registered Nursing has determined that respondent is in default and has waived his rights to a hearing to contest the merits of said Accusation; and that the Board of Registered Nursing will take action on the Accusation and evidence herein without a hearing, and makes the following findings of fact:

FINDINGS OF FACT

1. The Accusation was made and filed by Ruth Ann Terry, M.P.H., R.N., in her official capacity as Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, State of California.

1 2. On June 23, 1995, the Board of Registered
2 Nursing issued Registered Nurse License Number 512166 to
3 Elton Richardson, also known as Elton Louis Richardson. The
4 license was in full force and effect at all times pertinent
5 herein and will expire on December 31, 1998, unless renewed.

6 3. Respondent has subjected his license to
7 discipline under Business and Professions Code section
8 2761(f) in that on or about January 3, 1997, respondent was
9 convicted by the court on a plea of nolo contendere of
10 violating Penal Code section 415 (disturbing the peace) in
11 the Los Angeles County Municipal Court, Los Angeles Judicial
12 District, case number 6HL03810, entitled People v. Elton
13 Louis Richardson.

14 The circumstances surrounding the conviction are
15 substantially related to the qualifications, functions or
16 duties of a registered nurse, as defined in Title 16,
17 California Code of Regulations, section 1444, in that on or
18 about December 5, 1996, while he was in a booth with clear
19 Plexiglas dividers at Stan's Adult Book Store in Hollywood,
20 California, respondent masturbated in the direct view of
21 several patrons.

22 4. Respondent has subjected his license to
23 discipline under Business and Professions Code section 490 in
24 that respondent has been convicted of a crime substantially
25 related to the qualifications, functions or duties of a
26 registered nurse, as set forth in paragraph 3.

27 //

1 5. Respondent has subjected his license to
2 discipline under Business and Professions Code section
3 2761(a) in that respondent's conduct, as set forth in
4 paragraph 3, constitutes unprofessional conduct.

5 **DETERMINATION OF ISSUES**

6 Based on the foregoing findings of fact, respondent
7 has subjected his license to discipline under Business and
8 Professions Code sections 2761(f), 490, and 2761(a).

9 **LOCATION OF RECORD**

10 The record on which this Default Decision and Order
11 is based is located at the Board's Sacramento office at
12 400 "R" Street, Suite 4030, Sacramento, California 95814.

13 **ORDER**

14 WHEREFORE, for the aforesaid causes, the Board of
15 Registered Nursing makes an order revoking Registered Nurse
16 License Number 512166, issued to Elton Richardson, also known
17 as Elton Louis Richardson.

18 This decision shall become effective on the 21st
19 day of DECEMBER, 1998.

20 Dated and signed this 21st day of DECEMBER,
21 1998.

22 May Jo G. Miller RN PhD

23 BOARD OF REGISTERED NURSING
24 Department of Consumer Affairs
25 State of California

26 03579-110-
27 LA97AD1906
 (1k 6/18/98)
 Mills

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6
7
8 BEFORE THE
BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation)
Against:)

NO. 98-132

12 ELTON RICHARDSON)
13 aka ELTON LOUIS RICHARDSON)
6621 Drexel Avenue)
14 Los Angeles, California 90048)
Registered Nurse License No. 512166)

ACCUSATION

15 Respondent.)
16)

17 Ruth Ann Terry, M.P.H., R.N., for causes for
18 discipline, alleges:
19

20 1. Complainant Ruth Ann Terry, M.P.H., R.N.,
21 makes and files this accusation in her official capacity as
22 Executive Officer, Board of Registered Nursing, Department of
23 Consumer Affairs, State of California.
24

25 2. On June 23, 1995, the Board of Registered
26 Nursing issued Registered Nurse License Number 512166 to
27 Elton Richardson, also known as Elton Louis Richardson

1 ("respondent"). The license was in full force and effect at
2 all times pertinent herein and will expire on December 31,
3 1998, unless renewed.

4
5 3. Under Business and Professions Code section
6 2750, the Board of Registered Nursing may discipline any
7 licensee, including a licensee holding a temporary or an
8 inactive license, for any reason provided in Article 3 of the
9 Nursing Practice Act.

10 Under Business and Professions Code section 2764,
11 the expiration of a license shall not deprive the Board of
12 Registered Nursing of jurisdiction to proceed with a
13 disciplinary proceeding against the licensee or to render a
14 decision imposing discipline on the license. Under Business
15 and Professions Code section 2811(b), the Board may renew an
16 expired license at any time within eight years after the
17 expiration.

18 Under Business and Professions Code section 490,
19 the Board of Registered Nursing may suspend or revoke a
20 license when it finds that the licensee has been convicted of
21 a crime substantially related to the qualifications,
22 functions or duties of a registered nurse.

23 Under Business and Professions Code section 125.3,
24 the Board of Registered Nursing may request the administra-
25 tive law judge to direct a licensee found to have committed
26 a violation or violations of the licensing act to pay a sum

27 //

1 not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3
4 4. Respondent has subjected his license to
5 discipline under Business and Professions Code section
6 2761(f) in that on or about January 3, 1997, respondent was
7 convicted by the court on a plea of nolo contendere of
8 violating Penal Code section 415 (disturbing the peace) in
9 the Los Angeles County Municipal Court, Los Angeles Judicial
10 District, case number 6HL03810, entitled People v. Elton
11 Louis Richardson.

12 The circumstances surrounding the conviction are
13 substantially related to the qualifications, functions or
14 duties of a registered nurse, as defined in Title 16,
15 California Code of Regulations, section 1444, in that on or
16 about December 5, 1996, while he was in a booth with clear
17 Plexiglas dividers at Stan's Adult Book Store in Hollywood,
18 California, respondent masturbated in the direct view of
19 several patrons.

20
21 5. Respondent has subjected his license to
22 discipline under Business and Professions Code section 490 in
23 that respondent has been convicted of a crime substantially
24 related to the qualifications, functions or duties of a
25 registered nurse, as set forth in paragraph 4.

26 //

27 //

1 6. Respondent has subjected his license to
2 discipline under Business and Professions Code section
3 2761(a) in that respondent's conduct, as set forth in
4 paragraph 4, constitutes unprofessional conduct.
5

6 WHEREFORE, complainant prays that a hearing be held
7 and that the Board of Registered Nursing make its order:

8 1. Revoking or suspending Registered Nurse License
9 Number 512166, issued to Elton Richardson, also known as
10 Elton Louis Richardson.

11 2. Ordering Elton Richardson to pay to the Board
12 of Registered Nursing its costs in the investigation and
13 enforcement of the case according to proof at the hearing,
14 pursuant to Business and Professions Code section 125.3.

15 3. Taking such other and further action as may be
16 deemed proper and appropriate.

17 DATED: 3/26/98
18

19
20 Ruth Ann Terry
21 RUTH ANN TERRY, M.P.H., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California

26 Complainant
27

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